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**RETIREMENT HOMES REGULATORY AUTHORITY
ORDER-IN-COUNCIL APPOINTMENT OF
TERENCE H. YOUNG***

Prepared for:

Standing Committee on
Government Agencies

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INTRODUCTION

This paper has been prepared for Members participating in the Committee's review of the Order-in-Council appointment of Terence H. Young as a part-time member of the Retirement Homes Regulatory Authority (RHRA). It describes the mandate and operations of the RHRA, presents information about the appointee, and identifies possible lines of questioning.

RETIREMENT HOMES REGULATORY AUTHORITY (RHRA)

Enabling Statutes	Responsible Ministry
<i>Retirement Homes Act, 2010</i>	Seniors and Accessibility
Agency Type	Most Recent Annual Report
Administrative authority	2019-2020
Activities of the Agency	
The Retirement Homes Regulatory Authority (RHRA) is mandated under the <i>Retirement Homes Act, 2010</i> to protect and ensure the safety and well-being of seniors living in Ontario's retirement homes. The RHRA's activities include licensing, conducting inspections, and investigating complaints.	
Board Membership	
Statutory No. of Members: Nine directors Appointed by Cabinet: Four directors (part-time)	Remuneration: Part-time members who are not the Chair receive \$500 per diem. Term of Office: At pleasure (no limitation in legislation). Current part-time members appointed by Cabinet have three-year terms.
Position Requirements	
Directors appointed by Cabinet may include licensees, consumers, and representatives of business, government, government organizations, among others.	

SECTOR OVERVIEW

Retirement homes are privately owned rental accommodations for seniors regulated by the [Retirement Homes Act, 2010](#), Ontario's first retirement homes legislation. The Act contains a Residents' Bill of Rights and establishes mandatory care and safety standards, licensing requirements, and protections against abuse and neglect.

There are currently 770 licensed retirement homes in Ontario. Unlike long-term care homes, retirement homes are not government funded and are not required to provide 24-hour nursing care. However, the *Retirement Homes Act, 2010* requires retirement homes to assess each resident and develop a written plan of care.

ROLE OF THE RETIREMENT HOMES REGULATORY AUTHORITY

The Retirement Homes Regulatory Authority (RHRA) was established in 2011 and administers the *Retirement Homes Act, 2010* by licensing homes, conducting inspections and investigations, and enforcing compliance with the Act. It also advises the government on retirement home sector policy. The RHRA is a not-for-profit corporation established as an administrative authority; it does not operate as a Crown corporation. Governance is established through the Act and its regulations, as well as a Memorandum of Understanding with the Ministry of Seniors and Accessibility, by-laws and policies.

Key Activities in 2019-20

The RHRA's planning includes multi-year strategic plans as well annual business plans. Figure 1 (below) provides an overview of the RHRA's key activities and accomplishments in fiscal year 2019/20, compared to strategic pillars identified in its multi-year strategic plan (2017-2022). The RHRA notes that various planned activities for 2019/20 and 2020/21 have been postponed or delayed due to COVID-19. The RHRA's business plan for 2020/21 has not yet been released.

Figure 1: Progress on Multi-Year Strategic Plan, FY 2019/20

Strategic Pillar	Key Activities in 2019/20
Enhance regulatory approach to encourage compliance and better protect residents	- Implemented a new inspection model in July 2019 focused on areas of greatest risk of harm to residents. - Introduced enhancements to the RHRA's compliance support program for homes.
Provide strategic information through data and analytics	- Established partnership with Ministry of Finance to facilitate data sharing for profiling and identifying risk in homes. - Undertook preliminary work to develop quality of life indicators for homes.
Promote informed decisions through communication, education and outreach	- Conducted series of surveys and focus groups targeted at family members of residents and potential residents - Enhanced communications with residents and expanded stakeholder engagement activities.
Optimize consumer protection and choice through transparency, accountability and public reporting	- Developed a preliminary plan to add a "Special Advisories" section to the RHRA's Retirement Homes Database. - Developed a retirement home report card framework.
Prepare for the future	- Developed a Request for Proposal to acquire an upgraded regulatory management software solution. - Distributed first survey of licensees to track performance and identify areas for process improvement.

Source: RHRA [Annual Report 2019/20](#).

Performance Measures

The RHRA tracks a number of performance measures related to safety, compliance, and transparency in the retirement homes sector. Key measures in 2019-20 included the following:

- There was a 26% decrease in the number of retirement homes classified as “high-risk” (the highest risk level), compared to the previous year.
- There were 382 citations related to complaints procedures, compared to 607 in the previous year.

RECENT DEVELOPMENTS

The retirement home sector is particularly vulnerable to the COVID-19 pandemic, similar to long-term care homes and congregate living facilities.¹ News reports have documented serious issues with infection control in some retirement homes in the province.² According to the most recent data from Public Health Ontario, there have been 791 total outbreaks reported in Ontario’s retirement homes, including 46 presently active situations.³

According to the RHRA, its “primary concern [during COVID-19] is the health and safety of seniors living in Ontario retirement homes.” The RHRA notes that it has aligned its response with the Ministries of Health and Long-Term Care, and has clarified expectations for retirement homes related to infection prevention and control procedures, emergency plans and preparedness, among other requirements. The RHRA’s response includes issuing ongoing “Special Advisories” to homes.⁴

Additionally, the RHRA manages an Emergency Fund to help residents who may have been affected by emergency circumstances. On May 30, 2020, the Province increased the amount of financial assistance available to residents from \$2,000 to \$3,500.⁵ The Province also adopted an emergency order permitting the Registrar to order the licensee to employ or retain, at the licensee’s expense, one or more persons acceptable to the Registrar to manage or assist in managing all or some of the operations of the home, if there is at least one resident or staff member who has tested positive for the coronavirus.⁶

¹ Ministry of Health, [COVID-19 Guidance](#).

² For example, see Dan Taekema, “[31 Hamilton facilities didn't have a detailed outbreak plan weeks into pandemic](#),” *CBC News*, May 26, 2020.

³ Public Health Ontario, [Daily Epidemiologic Summary: COVID-19 in Ontario: January 15, 2020 to March 16, 2021](#).

⁴ RHRA, [COVID-19 Updates and Resources for Retirement Home Operators](#).

⁵ RHRA, “[Emergency Order and Important Changes to the Retirement Homes Act and Regulation](#),” *RHRA update*, May 30, 2020.

⁶ [Ontario Regulation 240/20](#), under the *Reopening Ontario (A Flexible Response to COVID-19) Act*, 2020.

Both prior to and during the pandemic, concerns have been raised regarding the lack of whistle-blower protections for staff members or family members who speak out about problems at retirement homes, and it has been suggested that the RHRA's process for responding to complaints is too slow.⁷

In December 2020 the RHRA shared a research report, in partnership with McMaster University, which examined the risk of COVID-19 outbreaks in Ontario's retirement homes during the first wave of the pandemic. The report found that the risk is connected to a larger resident capacity, co-location with a long-term care facility, large corporate-owned chains, a higher availability of services onsite and increases in regional COVID-19 incidence.⁸

Auditor General of Ontario: 2020 Annual Report

The Auditor General of Ontario's *2020 Annual Report* included an audit of the RHRA. The audit found that a shift is occurring whereby thousands of beds in retirement homes are being occupied by individuals who have more intense health-care needs than the more active and independent seniors that many retirement homes were designed for.

The audit concluded that the Authority does not yet have fully effective systems and procedures in place to carry out the evolving circumstances of its mandated activities to protect the security and safety of residents. These activities include licensing, complaint response, inspections, enforcement and public education in accordance with the *Retirement Homes Act, 2010* and its regulation.⁹

Further, the audit found that legislation exempts the RHRA from overseeing beds that are governed or funded by local governments or other ministries. The Auditor General stated, "This regulatory gap means that some medically vulnerable individuals living in retirement homes are not afforded the safety, care and consumer protection that the RHRA is tasked to provide to retirement home residents."¹⁰

The audit also identified concerns about retirement home inspections and the care their residents receive. Between 2017/18 and 2019/20, more than 50% of the concerns raised in written complaints to the RHRA related to resident care, such as residents not being offered suitable meals and not being provided with personal hygiene services, as well as instances where residents incurred bedsores that became infected.¹¹

⁷ Katrina Clarke, "[Doug Ford says Rosslyn whistleblower shouldn't have lost job, but won't commit to better protections](#)," *Hamilton Spectator*, September 5, 2020, and Elizabeth Payne, "[Investigate use of trespass law to limit visits in retirement, long-term care homes: Ottawa MPP](#)," *Ottawa Citizen*, November 28, 2019.

⁸ RHRA, "[Risk factors for COVID-19 outbreaks in Ontario's retirement homes](#)," December 14, 2020.

⁹ Auditor General, [Retirement Homes Regulatory Authority](#), *2020 Annual Report*, December 7, 2020.

¹⁰ Auditor General, "[Oversight of Retirement Homes Must Evolve to Meet Growing Care Needs of Residents: Auditor General](#)," December 7, 2020.

¹¹ Ibid.

FINANCIAL INFORMATION

The RHRA is self-funded, primarily through annual fees paid by retirement home licensees. Total operating revenue in 2019/20 was \$8.1 million, a 5% increase from the previous year.¹²

The RHRA entered into 2019/20 with a “strong financial position”.¹³ However, the RHRA has since noted that COVID-19 has created new financial pressures on its operations and the retirement home sector, but that the magnitude of the impact is yet to be determined.¹⁴

THE WITNESS

The witness, of Oakville, has served as a Director (part-time) for the Home Construction Regulatory Authority since February 2021, and as President and Chief Executive Officer for Gravitas Strategies Inc. He served as a Member of Parliament from 2008 to 2015, and as a Member of Provincial Parliament from 1995 to 1999. His community involvement includes serving as founding Chair for Drug Safety Canada.

POSSIBLE QUESTIONS

What has motivated the witness to seek this appointment?

Can the witness describe how his expertise and background relate to the five pillars in RHRA’s multi-year strategic plan?

Has the witness been given any indication about the time commitment required by this appointment?

What does the witness think are the biggest challenges facing the RHRA and the sector, particularly in the wake of COVID-19?

¹² RHRA, [Annual Report 2019-20](#), p. 30.

¹³ RHRA, [Annual Business Plan for 2019-20](#), p. 12.

¹⁴ RHRA, [Annual Report 2019-20](#), p. 31.